Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

House Bill No. 1277

Introduced by Hon. Emmanuel Joel J. Villanueva

EXPLANATORY NOTE

The continuing clamor of the people to stamp-out graft and corruption in the country is an indicator that existing anti-corruption mechanisms and policies currently in place may not be sufficient. With corruption now rearing its ugly head in different forms, anti-corruption legislation must be upgraded to more directly and specifically address the manifestations of this monster. There is also a need to reduce opportunities and motivation for corruption by making corruption a high-risk, low-reward activity.

"Fixing" has long been recognized as an unwanted yet ever-present practice in government that it has become an adjunct of "government service" for the layman. It is one common form of graft and corruption that victimizes the transacting public. The common *tao* usually ends up as prey to the unscrupulous fixers perennially hovering in different agencies especially those providing front-line services to the public.

The event of "fixing" looms even larger in the award and implementation of public work projects, in the applications for and grant of permits, privilege, right, award, license, concession, or for modification, renewal or extension of such. Payment or release of money for services rendered or for supplies and materials delivered or activities and transactions concluded have also not been spared.

Ironically, despite the efforts of some agencies to get rid of "fixers", nothing long-term has been seriously done to stop the grim practice. Worst, "fixing" has been accepted as part of the "standard operating procedures" or SOPs of government offices.

In a bid towards transparency, efficiency and responsiveness to the public, this proposed measure requires all government offices to post procedures on how to transact with them, with tasked employees properly and clearly

identified in their respective work areas. The measure also aims to institute staggered working hours for government employees so that transaction of business will be continuous even during breaks. With this, the bill could minimize, if not fully eradicate, the existence of "fixers" who offer paid services to facilitate transactions with government agencies.

Since an effective anti-corruption measure should also be punitive, the proposed measure also provides punishment to those persons found guilty of engaging in fixing and seeking and dealing directly with persons engaged in fixing.

Fixing is ingrained in the Philippine bureaucracy and has indeed disenchanted the people. The vicious cycle of corruption wears down the confidence and trust of the people in their government. It is in response to these pressing realities that this "Anti-Fixing Bill" is proposed. Approval of this bill is earnestly sought.

EMMANUEL JOEL J. VILLANUEVA

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AN ACT
DEFINING CERTAIN ACTS OR TRANSACTIONS IN GOVERNMENT OFFICES AS "FIXING" AND PROVIDING PENALTIES THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known as the "Anti-Fixing Law of 2004."

SECTION 2. *Declaration of Policy.* – The Constitution provides under Article II, Section 27, that the State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption. In line with this provision, it shall be unlawful for any person, not employed or officially accredited with a government office, to offer his/her services for a fee in assisting or facilitating the completion or approval of transactions with said government office.

SECTION 3. *Definition of Terms.* – As used in this Act, the following terms shall mean:

(a) "Fixing" shall refer to any arrangement and/or agreement whereby relative immunity from application of the law is obtained or that which hastens and facilitates processes in government transactions through the use of corrupt methods or employment of economic and social influence to public officials and employees, law enforcement officers and other authorities for the benefit of another person who is in legal difficulty or who seeks political or economic favor or concession.

(b) "Transaction/s" shall cover all official acts of any government officer/employee performed in response to any routinary or non-routinary request, registration, payment, clearance, claim, petition,

prayer, order, command or directive initiated by, or made at the instance of, a private person, natural or juridical, or any public officer or employee in relation to the functions or duties of the responding government officer/employee.

SECTION 4. *Public Posting of Procedures.* – All units of the government, including departments, bureaus, offices, instrumentalities, or government-owned or controlled corporations, or local government or district units shall put-up information billboards and publish handbook written in Filipino or in the local dialect that detail:

(a) each step of procedure to obtain a particular service;
(b) person/s responsible for each step;
(c) maximum time to conclude the process;
(d) document/s to be presented by the customer, if necessary;
(e) amount of fees, if necessary; and
(f) procedure for filing complaints

SECTION 5. *Name Plates.* – A name plate bearing the complete name, as well as a two-by-two (2x2) I.D. picture of the person officially assigned to handle transactions with the public shall be displayed prominently on his desk, counter or business window.

SECTION 6. *Staggered Work Hours.* – Work Hours shall be staggered to allow continuous transaction of business even during morning and afternoon breaks and lunch time.

SECTION 7. *Penal Provision.* – Any person found guilty of engaging in fixing as defined in Section 3 of this Act shall be punished with imprisonment of not less than one (1) year or a fine of not less than twenty thousand pesos (P20,000.00) at the discretion of the court. The same penalty shall be imposed on a person who shall voluntarily seek out and deal directly with persons engaged in fixing.

In case the offender is a corporation, partnership, association or any other juridical person, the president, manager, administrator or the person-in-charge shall be liable therefore. In addition, the license or permit to operate its business shall be cancelled.

If the offender is an alien, in addition to the penalties herein prescribed, he shall, after service of sentence, be summarily deported by the Bureau of Immigration.

Any public official or employee of the government who is found guilty of committing fixing or conniving with or permitting the commission of the said unlawful act shall be penalized in accordance with Sections 3 and 9 of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act) in addition to the penalty

prescribed in the first paragraph of this Section shall be dismissed from the service and be perpetually disqualified from holding public office.

SECTION 8. *Implementing Guidelines.* – Within sixty (60) days from the effectivity of this Act, the chairperson of the Civil Service Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this Act.

SECTION 9. *Separability Clause.* – If, for any reason, any provision or part hereof is declared unconstitutional, the remainder of this Act shall not be affected by such declaration.

SECTION 10. *Repealing Clause.* – All provisions of existing laws which are in conflict with this Act are hereby repealed or modified accordingly.

SECTION 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) major newspapers of general circulation.

Approved.